

REMARKS

Claims 1-13 remain pending in this application with claims 1-2, 5-7 and 12-13 being amended by this response. Support for these amendments can be found throughout the specification and more specifically on Page 9, line 27 through Page 10, line 11 and on Page 11, lines 3-9. Thus, it is respectfully submitted that no new matter has been added.

Objection of Claim 1

Claim 1 is objected to for lack of clarity. Claim 1 has been amended for purposes of clarification to correct the informalities cited by the Examiner. Thus, it is respectfully submitted that this objection is satisfied and should be withdrawn.

Rejection of Claims 1-3, 5-9 and 11-12 under 35 USC § 103(a)

Claims 1-3, 5-9 and 11-12 are rejected under 35 USC § 103(a) as being anticipated by Perlman et al. (U.S. Patent No.: 5,583,576).

The present claimed invention provides an apparatus for processing and outputting a program signal. The apparatus includes a data receiver for receiving a signal channel selection from a user. A tuner selects one of a plurality of signal channels in response to the signal channel selection from the user. The selected one of the plurality of signal channels includes a program signal. A signal output provides an output signal derived from the program signal. An auxiliary data decoder detects program related information included in each program signal. A central processing unit is operatively connected to the data receiver, the signal input, the signal output and the auxiliary data decoder. The central processing unit controls the output signal for reducing user access to the program signal upon detecting a current channel selection has been previously selected within a predetermined time period.

“Since program related information is transmitted periodically...a television receiver may experience a delay before receiving and decoding new program related information when a user selects a new channel...Therefore, when a user selects a new channel, the television receiver may take several seconds to detect and decode new program related information and take appropriate blocking action. The delay is a noticeable period during which a possibly objectionable program remains unblocked and may be viewed by unintended audiences. A user may attempt to exploit the above described delay and bypass such a blocking feature by repeatedly tuning to a particular channel to view or listen to portions of an objectionable program before the blocking feature can be activated” (Page 2, lines 12-31). Therefore, the present claimed invention “determines in step 238 whether the newly selected channel is the same as the previously selected channel in step 238...and user access to the new channel is prevented and the process of determining a program related information and whether the user selected blocking criteria is met is preformed thereafter”: (Page 9, lines 27-37). “Essentially, the present system seeks to continuously detect program related information within a predetermined amount of time” (Page 11, lines 4-6). .

Perlman et al. (US Patent No. 5,583,576) teach a technique and apparatus for selectively inhibiting a television receiving apparatus from displaying those television channels which are not authorized for viewing. The apparatus includes a tuner “adapted to receive EPG data” (Col. 5, line 54). “When tuner 204 is tuned...in response to channel selection signals..., the television program information associated with the selected channel is read from memory 206 for the purpose of comparing the rating data included in that television program information to a predefined rating code that has been generated previously by the user of the television receiving apparatus” (Col. 6, lines 24-31).

The Office Action asserts that Perlman et al. teach the principles of the present claimed invention. However, when a channel selection signal is received, Perlman et al. describe comparing stored EPG rating data for the selected channel to a user-preset rating scheme. This is wholly unlike the present claimed invention which detects that a current channel selection has recently been selected. Perlman et al., unlike the present

claimed invention, relies on the reception of EPG data. However, the present claimed invention operates in a closed system, detecting if a current selection has been previously selected. Therefore, Perlman et al. neither disclose nor suggest “reducing user access to said program signal upon detecting a current channel selection has been previously selected within a predetermined time period” as recited in claim 1 of the present invention. Furthermore, if EPG data is not received or is delayed the apparatus of Perlman et al. will be ineffective in reducing access to the specified program **before** rating data is received. Thus, allowing a user to momentarily watch a restricted program and thereby exploiting the specific problem the present claimed invention is designed to prevent. In contrast, the present claimed invention would remain effective in reducing access to the specified program **before** rating data is received, for the present claimed invention blocks based on detecting if the current channel selection has been recently selected.

The Office Action further asserts the system of Perlman et al. prevents against the exploitation of delays and therefore need not discuss them. However, the system described by Perlman et al., as discussed above, is ineffective when EPG data is lost or delayed. The system of Perlman et al. relies on periodically received EPG data. This is fundamentally different than the present claimed invention which operates in a closed system, not relying on any incoming rating data. Thus, as the function of the system of Perlman et al. relies solely on EPG data, it would not have been obvious to modify the system of Perlman et al. to account for the delay of EPG data. Therefore, Perlman et al. neither disclose nor suggest “reducing user access to said program signal upon detecting a current channel selection has been previously selected within a predetermined time period” as recited in claim 1 of the present invention.

As claims 5-9 and 11-12 are dependant on independent claim 1 it is respectfully submitted that these claims are patentable for the same reasons as discussed above in regards to independent claim 1. In view of the above remarks and amendments to the claims it is respectfully submitted that this rejection is satisfied and should be withdrawn.

In view of the above remarks and amendments to the claims it is respectfully submitted that there is no 35 USC 112 compliant enabling disclosure in Perlman et al. showing the above discussed features. It is thus further respectfully submitted that claims 1-3, 5-9 and 11-12 are not anticipated by Perlman et al.

Rejection of Claims 10 and 13 under 35 USC § 103(a)

Claims 10 and 13 are rejected under 35 USC § 103(a) as being anticipated by Perlman et al. (U.S. Patent No.: 5,583,576) in view of Collings (U.S. Patent No.: 5,828,402).

Collings discloses a video program transmission method for enabling a viewer to receive information useful for selectively blocking the viewing of television programming. Collings selectively blocks the viewing of television programming by detecting data packets describing television programming in an incoming video signal. These data packets include at least packets which contain category information specifying a level in one or more multi-level categories and/or label information specifying labels applied to the program content of the signal.

The Examiner suggests that Collings disclose selective blocking of program signals and restricting access to a program using On Screen Display Menus with PIN password verification. However, Collings, similar to Perlman et al., is not concerned with detecting if a current channel selection has previously been selected. Collings merely describes a blocking system for selectively blocking audio and video. Therefore, Collings, similar to Perlman et al., neither discloses nor suggests “reducing user access to said program signal upon detecting a current channel selection has been previously selected within a predetermined time period” as recited in claim 1 of the present invention.

The Office Action asserts that the combined systems of Perlman et al. and Collings disclose the principles of the present claimed invention. However, the combined system, similarly to the individual systems of Perlman et al. and Collings, is

not concerned with detecting if a current channel selection has previously been selected. Therefore, the combined system, similarly to the individual systems of Perlman et al. and Collings, neither discloses nor suggests “reducing user access to said program signal upon detecting a current channel selection has been previously selected within a predetermined time period” as recited in claim 1 of the present invention.

In view of the above remarks and amendments to the claims it is respectfully submitted that there is no 35 USC 112 compliant enabling disclosure in Perlman et al. and Colling, when taken alone or in combination, showing the above discussed features. As claims 10 and 13 are dependant on independent claim1 it is respectfully submitted that they are allowable for the same reasons as discussed above. It is thus further respectfully submitted that claims 10 and 13 are not anticipated by Perlman et al. and Collings, when taken alone or in combination. In view of the above remarks and amendments to the claims it is respectfully submitted that this rejection is satisfied and should be withdrawn.

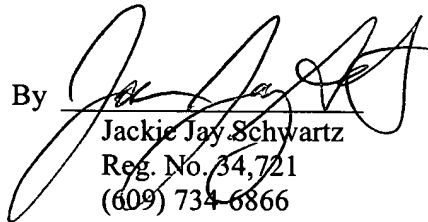
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Having fully addressed the Examiner's rejections, it is believed that, in view of the preceding remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at the phone number below, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believed due. However, if a fee is due, please charge the fee to Deposit Account 07-0832.

Respectfully submitted,
Joseph Wayne Forler

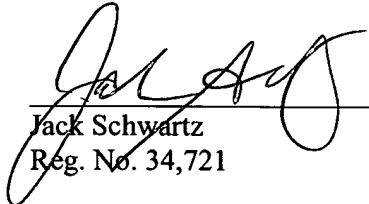
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